

## Staff Summary Report



Council Meeting Date: 09/11/2008

Agenda Item Number: \_\_\_\_\_

**SUBJECT:** This is the **introduction** and **first public hearing** to adopt an ordinance granting an easement to Southwest Gas Corporation to install and maintain the facilities necessary to provide gas service across a parcel of City-owned property located at approximately 1621 West Rio Salado Parkway. The second public hearing is set for **September 18, 2008**.

**DOCUMENT NAME:** 20080911PWCH07 EASEMENTS (0904-02)  
**ORDINANCE NO. 2008.38**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Southwest Gas Corporation has requested an underground gas line easement across a portion of City-owned property located at approximately 1621 West Rio Salado Parkway as described in the attached "Exhibit A" consisting of 1 page and "Exhibit B" consisting of 1 page. Approval of this ordinance will result in the grant of a permanent easement to Southwest Gas Corporation to allow the installation and maintenance of a gas line and related equipment.

**PREPARED BY:** Larry Shobe, Engineering Services Administrator (x8417)

**REVIEWED BY:** Andy Goh, Deputy PW Manager/City Engineer (x8896)

**APPROVED BY:** Glenn Kephart, Public Works Manager (x8205)

**LEGAL REVIEW AS TO FORM:** Cynthia McCoy, Assistant City Attorney (x2187)

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Adopt Ordinance No. 2008.38 and authorize the Mayor to execute any necessary documents.

**ORDINANCE NO. 2008.38**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, GRANTING A GAS LINE EASEMENT TO SOUTHWEST GAS CORPORATION, ON A PORTION OF CITY OWNED PROPERTY LOCATED APPROXIMATELY AT 1621 W. RIO SALADO PARKWAY IN SECTION 17, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AS DESCRIBED IN THE ATTACHED EXHIBITS.**

\*\*\*\*\*

WHEREAS, it has been determined that the City of Tempe owns certain real estate described herein, and,

WHEREAS, Southwest Gas Corporation has requested an easement for the placement of an underground gas line and related equipment on said property, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS

**Section 1.** That the City of Tempe does hereby authorize the granting of an easement to Southwest Gas Corporation on the property described in, and in the form attached hereto as, Exhibits A and B consisting of 2 pages.

**Section 2.** That the easement and other rights granted to Southwest Gas Corporation shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

**Section 3.** The Mayor is authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

Ordinance No. 2008.38  
Page Two

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,  
ARIZONA this \_\_\_\_\_ day of September, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT "A"**  
**SOUTHWEST GAS CORPORATION**  
**GRANT OF EASEMENT**  
**PAGE 3 OF 4**

A strip of land located in the Southeast Quarter of the Northeast Quarter of Section 17, Township 1 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, lying 4 feet on each side of the following described centerline:

COMMENCING at the East quarter corner of said Section 17, from which the Northeast Corner of said Section 17, bears North 1°28'09" West, a distance of 2589.51 feet;

THENCE along the South line of said Northeast quarter of Section 17, North 89°21'37" West, a distance of 818.33 feet;

THENCE North 0°38'23" East, a distance of 19.02 feet to the POINT OF BEGINNING;

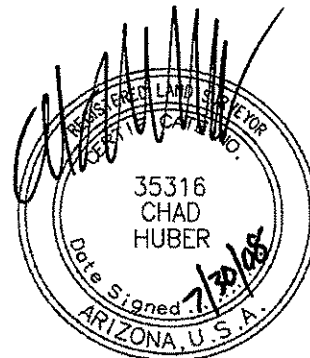
THENCE South 89°21'37" East, a distance of 65.01 feet;

THENCE North 0°13'04" West, a distance of 2.94 feet;

THENCE North 34°57'38" East, a distance of 147.35 feet to the Southerly Right-of-Way line of Rio Salado Parkway and the POINT OF TERMINATION;

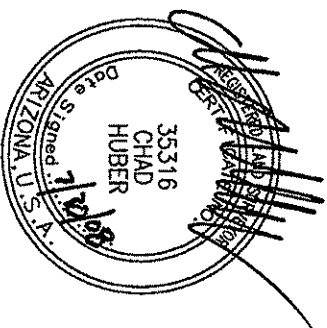
The sidelines of said easement to lengthen or shorten to terminate at the Right-of-Way line of Rio Salado Parkway and at the West line of a Vehicular Access Easement recorded in Document No. 2006-1019770, Maricopa County Records.

Containing 1,722 Square Feet more or less.



EXPIRES: 9/30/09

# EXHIBIT "B" SOUTHWEST GAS CORPORATION GRANT OF EASEMENT PAGE 4 OF 4



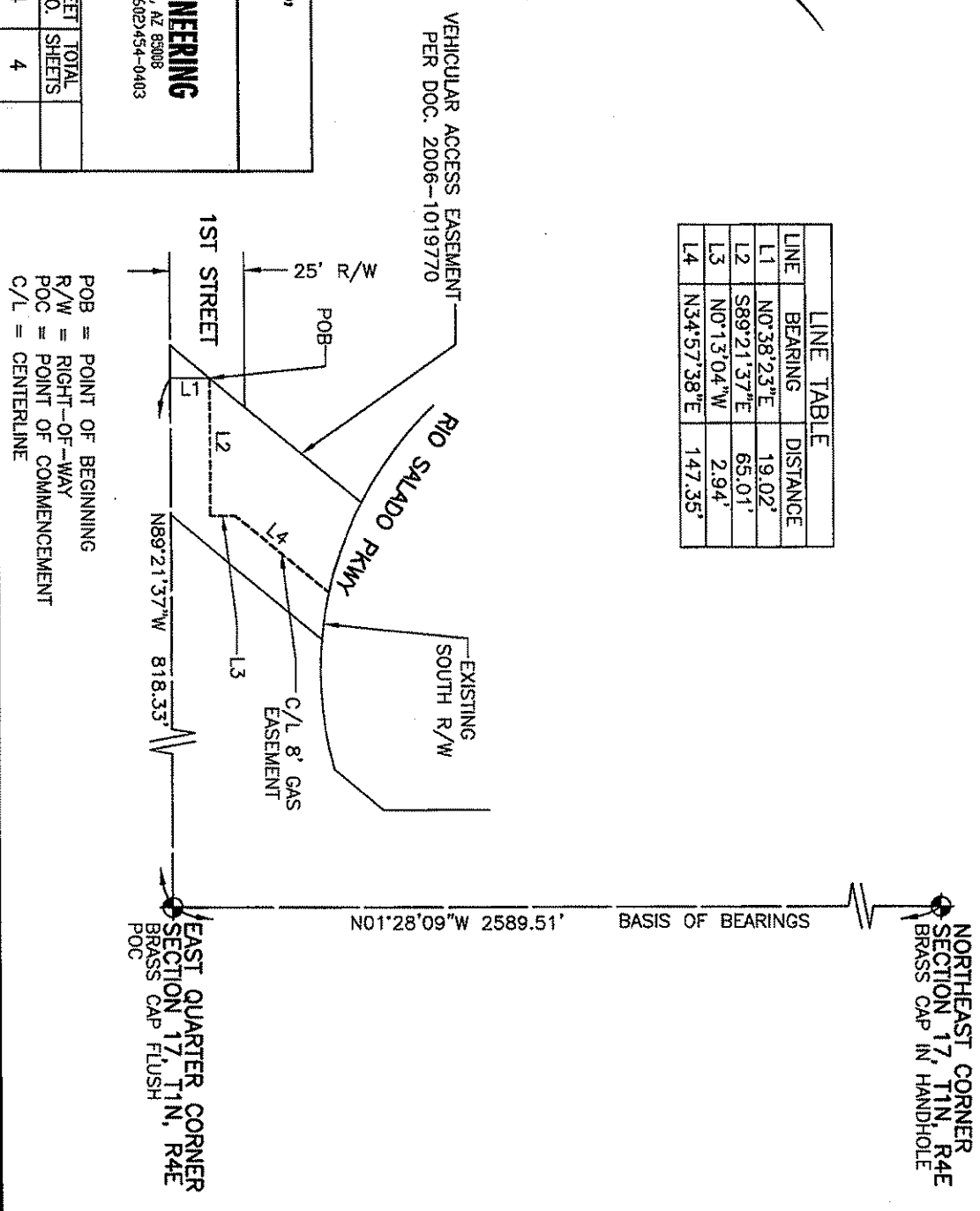
EXPIRES 09-30-09

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N0°38'23"E	19.02'
L2	S89°21'37"E	65.01'
L3	N0°13'04"W	2.94'
L4	N34°57'38"E	147.35'



**AZTEC ENGINEERING**  
4561 E. McDowell Rd., Phoenix, AZ 85008  
Tel: (602) 454-0402 Fax: (602) 454-0403  
website: www.aztecus.com

DR: CWH	CHK: CWH	SHEET NO.	TOTAL SHEETS
DATE: 7-30-08		4	4
SCALE: NOT TO SCALE			



APN # 124-78-001-D

Recording Requested By/Return To:  
Southwest Gas Corporation  
HOLD FOR PICK UP

Page 1 of 4



**SOUTHWEST GAS CORPORATION**  
**GRANT OF EASEMENT**

*This form is used to acquire land rights for installation of pipeline(s) and appurtenances.*

Prepared By	<u>Mark Hampton</u>	Approved By	<u>Greg Cooper</u>
Sec. <u>17</u>	T <u>1</u> N	Meridian	<u>G.&amp;S.R.B. &amp; M.</u>
County	<u>Maricopa</u>	State	<u>Arizona</u>
W.R. No.	<u>817296</u>	W.O. No.	<u></u>

I (We) City of Tempe, an Arizona municipal corporation

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned, hereinafter referred to as Grantor(s), does hereby grant, convey, quitclaim and release unto **SOUTHWEST GAS CORPORATION**, a California Corporation, its, successors and assigns hereinafter referred to as Grantee, a perpetual easement 8.0 feet wide for the installation and maintenance of a natural gas pipeline or pipelines and appurtenances, across, over, under and through the following described property, to wit:

SEE ATTACHED EXHIBIT(s) "A & B" made a part hereof by reference.

together with the right of ingress and egress to and from the said easement and the right to use existing roads for the purpose of constructing, inspecting, repairing, and maintaining said pipeline or pipelines and appurtenances and the removal or replacement of same, in whole or in part, at will.

Grantor agrees that no buildings, structures, fences or trees shall be placed upon, over or under said parcel of land, except for street, road or driveway purposes, which Grantor agrees shall not interfere with Grantee's exercise of the rights herein granted. Grantee agrees to work with due care in the exercise of its rights on the property and to restore it to reasonably the same condition which existed before the work was performed.

Except as provided above, Grantee agrees to pay all direct damages which are caused by the Grantee's exercise of the rights herein granted.

W.R. No. 817296

W.O. No. \_\_\_\_\_

**The undersigned hereby affirms that there is no Social Security Number contained in this document submitted for recording.**

**TO HAVE AND TO HOLD** said easement unto Grantee, its successors and assigns, together with all rights granted hereby.

**IN WITNESS WHEREOF**, the duly authorized representative of the undersigned has executed this Grant of Easement this

\_\_\_\_\_ day of \_\_\_\_\_, 2008 .

Grantor \_\_\_\_\_

Grantor \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )

)

COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_ personally  
(here insert name and title of the officer)

appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of \_\_\_\_\_ that the foregoing paragraph is true and correct.

**WITNESS** my hand and official seal.

Signature \_\_\_\_\_ (Seal)